

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Maurice Van Eis <i>et al</i>) Examiner:	S.L.Shterengarts
Serial No.:	10/586,420) Group Art Unit:	1626
Filed:	July 19, 2006) Docket:	NOV-05-US
Title:	INDOLYMALEIMIDE) Confirmation No.:	4844
	DERIVATIVES)	

REQUEST FOR PATENT TERM ADJUSTMENT REDETERMINATION UNDER
37CFR1.705

Mail Stop 16
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Applicants respectfully request that the United States Patent Office redetermine the Patent Term Adjustment due the above-identified Allowed Application.


On April 6, 2009, Applicants filed a Response to a Non-Final Office Action mailed December 5, 2008. That Response was not determined to be non-compliant by the United States Patent Office until April 13, 2009, at which time the Patent Office mailed the Notice to an outdated address that the Office had failed to change, in spite of having had a signed Power of Attorney and Change of Correspondence Address to Applicants' Attorney's address, since February 19, 2009, resulting in Applicants' Attorney not learning of the Notice of Non-Compliant Amendment until May 15, 2009. Applicants' Attorney prepared and filed a revised and compliant Response on May 18, 2009, with a request that the Patent Office not charge Applicants an extension fee, because the delay was a result of a Patent Office error. The Patent Office applied the extension fee nonetheless, necessitating that Applicants file a Request for a Refund, which they did, and the Patent Office recognized their error and refunded the amount of the extension fee on August 24, 2009.

Applicants now, therefore, respectfully request that the forty-two (42)-day period charged against the Application's Patent Term Adjustment resulting from

the delay in filing a compliant Response to the Non-Final Office Action be redetermined to be no greater than seven (7) days, based on the Office's Legal Instruments Examiner mailing her determination of non-compliance within one-to-two days of receipt of the April 6 Response, two days for mailing from Alexandria, Virginia to Millburn, New Jersey, and the same three days for Applicants' Attorney to prepare and file a revised Response as above.

Respectfully submitted,

Dated: September 28, 2009

By 
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